

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24 (1) of the Housing (Scotland) Act 2006 (“The Act”)**

**Chamber Ref: FTS/HPC/RP/24/2067**

**Re: Property at 46 (A) North Street, Bo’ness, EH51 0AG (“the Property”) being the subjects registered in the Land Register of Scotland under Title Number WLN2418**

**Parties**

**Mr Liam Milne residing at unknown, (“the Tenant”)**

**LHP Solutions Limited, Clyde offices, Second Floor, 48 West George Street, Glasgow G2 1 BP (“the Landlord”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Mr Greig Adams (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the Property determined that the Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and has determined to make a Repairing Standard Enforcement Order (“RSEO”).**

**Background**

[2] By Application dated 7 May 2024, The Applicant seeks a determination that the Landlord has failed to comply with his duty under Section 14 (1)(b) of the Act in that the Property does not meet the Repairing Standard in respect of the following paragraphs of Section 13 (1) of the Act:

*13 (1) (b) The Structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order*

*13 (1) (c) The installations in the house for the supply of water, gas, electricity Including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.*

*13 (1) (h) (1) It has an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms*

[3] The Application narrated the following issues in the Application :

*“ Our landlord does no maintenance. The landlord puts us, the tenants in danger and also the surrounding neighbors with not keeping up with gas safety checks, certificates and expiry dates”*

[4] The Application provided further detail that the three particular issues of concern were that there were no interlinked smoke alarms, there was no up to date gas safety certificate and that the boiler didn't work properly. There was also reference in the Application to a damaged step from the street into the common close presenting a hazard.

[5] The Tribunal intimated to all parties that they would inspect the property on Monday 11 July 2025 at 10am and a Hearing would thereafter be held later in the same day at 2pm at George House, George Street, Edinburgh. The Respondent's representative, Ms Kate Jalil of RRJ Group had contacted the Tribunal previously and requested that a previous hearing be postponed so that the Respondent could address the issues raised. She had also submitted a gas safety certificate which expired in February 2025. Nothing further was heard from the Respondent either directly or from any representative acting on their behalf. The Applicant had previously emailed the Tribunal on 6 November 2024 informing the Tribunal that he would be moving out of the Property on 13 November 2024 when his tenancy ended and that he would therefore no longer be able to access the Property.

### **The Inspection**

[6] The Tribunal Members attended at the Property at the scheduled time which had been competently notified to all parties. No one else appeared. The Tribunal's clerk telephoned Ms Jalil to see if she could be contacted. The telephone number would not connect. The Tribunal were therefore unable to carry out the inspection albeit the Tribunal did note that the front step to the Property had recently been repaired and looked in good order.

### **The Hearing**

[7] No parties thereafter attended the Hearing at 2pm.

## **The Hearing**

[8] As a preliminary matter, the Tribunal noted that the designation of the Respondent had been narrated by the Applicant in the Application as being LHP Solutions. This was the name of the landlord as set out in the tenancy agreement. The Tribunal noted however that the Property was owned by LHP Solutions Limited. The Tribunal therefore considered that the designation of the Respondent ought to be amended to reflect that the landlord was LHP Solutions Limited. The Tribunal noted that the Respondent had done nothing to respond to the Applicant's concerns as set out in the Application. The Respondent had thereafter disengaged with the process meaning that the Tribunal could not inspect the Property. The Tribunal found that there seemed no reason not to accept the concerns set out in the Application at face value. The Tribunal therefore made the following findings in fact.

## **Findings in Fact**

- 1) The parties entered into a tenancy agreement in terms of which the Landlord let the Property to the Tenant by virtue of a Private Residential Tenancy Agreement which commenced on 18 September 2021.*
- 2) The Respondent has not produced a current valid gas safety certificate.*
- 3) The Respondent has not demonstrated that the Property has an interlinked system of fire and smoke alarms.*
- 4) The Respondent has not demonstrated that the boiler works.*
- 5) The Respondent has not adequately engaged with the process.*

## **Reasons for Decision**

[9] Having made the above findings in fact, the Tribunal considered that the Property did not meeting the Repairing Standard. The Tribunal therefore made a Repairing Standard Enforcement Order.

The terms of the order are that the Landlord must:

1. Produce a current valid gas safety certificate for the Property.

2. Demonstrate that the Property has an interlinked system of fire and smoke alarms.
3. Demonstrate that the boiler is in good working order and the Property has adequate heating and provision for the supply of hot water.

[10] The Landlord has two months to comply.

**The decision of the Tribunal is unanimous**

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

# A McLaughlin

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**Legal Member/Chair**

**14 July 2025**

**Date**